

MANDATE

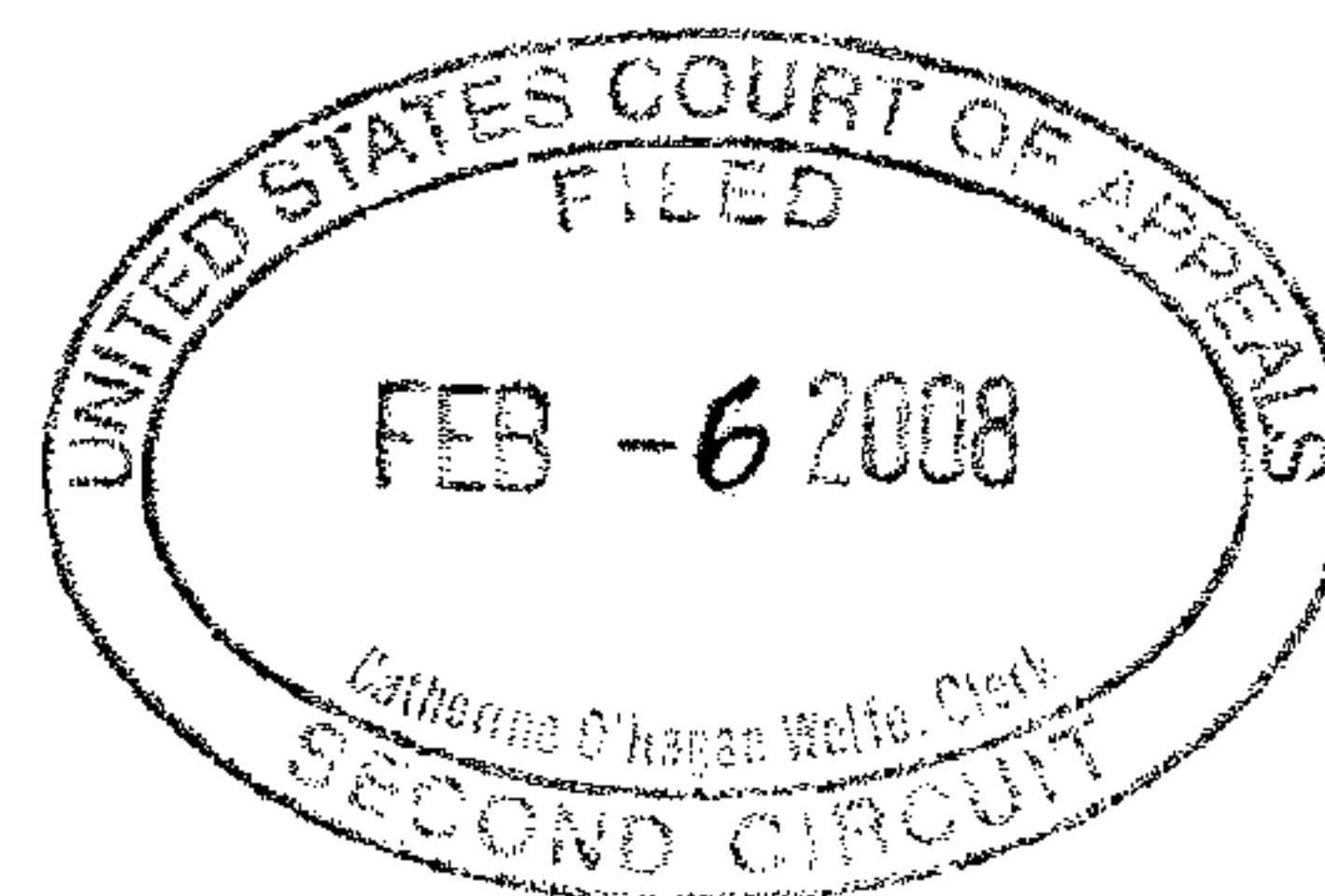
S.D.N.Y. - N.Y.C.  
07-cv-5858  
Batts, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 6<sup>th</sup> day of February, two thousand eight,

Present:

Rosemary S. Pooler,  
*Circuit Judge,*  
Lewis A. Kaplan,\*  
*District Judge.\*\**



Gbeke M. Awala,

*Plaintiff-Appellant,*

v.

07-3775-pr

Judge Chester J. Straub, 2nd Circuit, *et al.*,

*Defendants-Appellees.*

Appellant, *pro se*, moves to proceed *in forma pauperis* and for appointment of counsel. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Pillay v. I.N.S.*, 45 F.3d 14, 17 (2d Cir. 1995); 28 U.S.C. § 1915(e).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: 

FEB 6 2008

\* Honorable Lewis A. Kaplan, United States District Court for the Southern District of New York, sitting by designation.

\*\* Honorable Debra A. Livingston has recused herself from consideration of this appeal. The remaining two panel members, who are in agreement, are deciding this motion pursuant to Second Circuit Local Rule 0.14(b).

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by   
Deputy Clerk

Issued as Mandate:

APR 11 2008



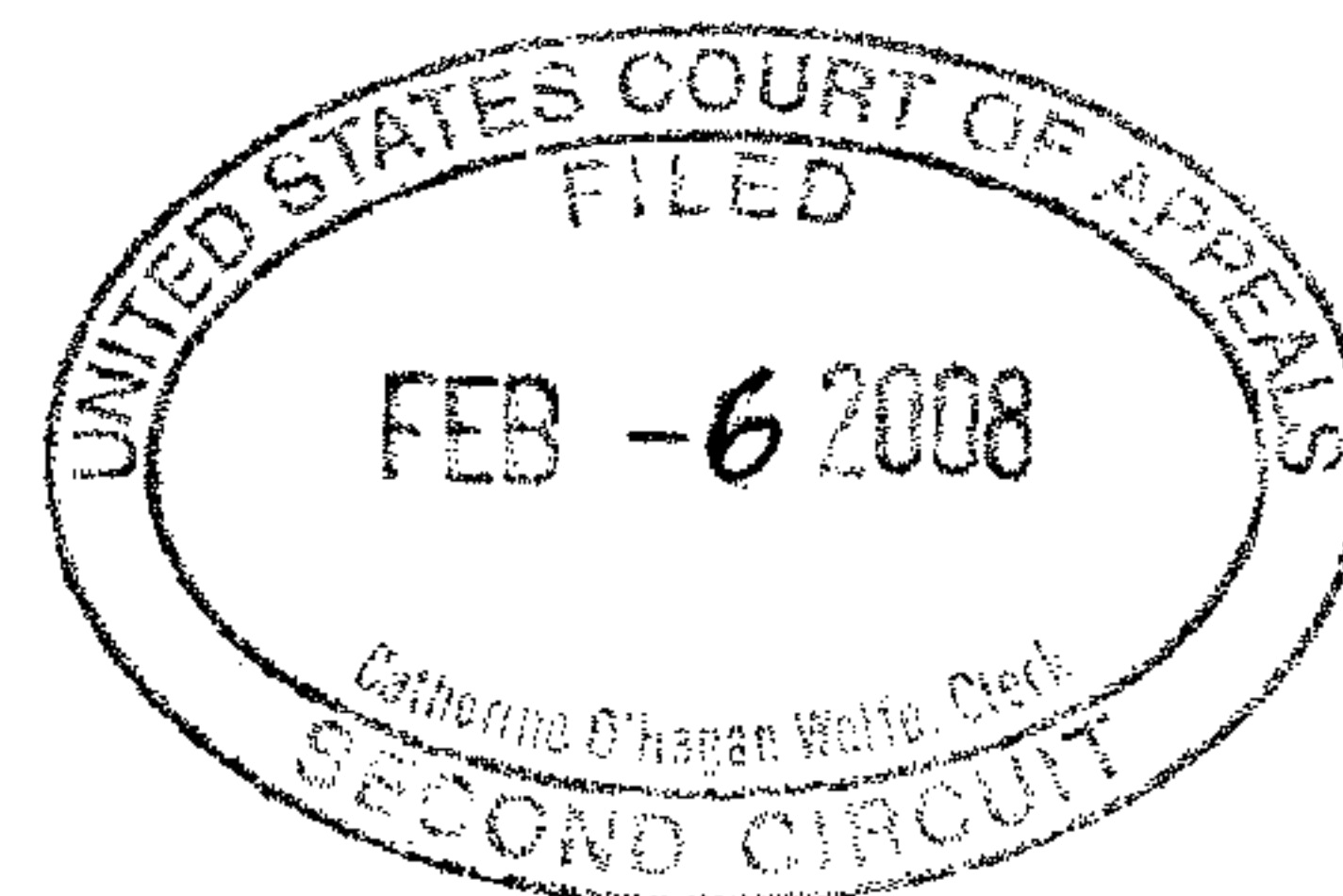
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MANDATE, CONSISTING OF  
BELOW, HAS BEEN RECEIVED  
JOHN ( ) STATEMENT OF COO  
ORDER  
DATE:

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